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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,786	04/13/2001	Satoshi Shimbori	Q64077	1918

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SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC  
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WASHINGTON, DC 20037-3213

EXAMINER

SINGH, SATWANT K

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/833,786

Applicant(s)

SHIMBORI ET AL

Examiner

Satwant K. Singh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to the amendment filed on 16 March 2005.

### ***Response to Arguments***

2. Applicant's arguments filed 16 March 2005 have been fully considered but they are not persuasive.

With respect to applicant arguments that the prior art fails to teach that the printer of the present application obtains the same color as the actual goods that a user may want to purchase (page 9, paragraph 10).

In replay, the prior art of Nagasaka prints an image based on the input color image data, the input color being interpreted as being the same color as the actual goods (col. 19, lines 42-47).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1-4, 6, 7, 10-13, 15-19, and 21-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Nagasaka (US 6,519,049).

5. Regarding Claim 1, Nagasaka discloses a printing system for printing a color image having a predetermined color information provided via the Internet, comprising: a terminal unit (receiver computer 100), connected to said Internet, operable to obtain said color image; a printer (printer 180), connected to said terminal unit, operable to print said color image; and a correcting information provider (transmitter computer 200) operable to provide said terminal unit with correcting information for allowing said printer to print to print out said predetermined color information of said color image in accordance with at least color characteristics of said printer (The receiver computer 100 receives the transmitted color image data 271, color-correction source data 272, and various pieces of print settings information via the communications device 160. The transmission control unit 111 then transfers the input color image data 271, color-correction source data 272, and various pieces of print settings information to the print processing unit 114. The print processing unit 114 is actualized by a printer driver software exclusively used for the printer 180, and includes the resolution conversion element 115, the color correction element 118, the color conversion element 116, and the halftone processing element 117 as mentioned previously) (col. 18, lines 56-67).

6. Regarding Claim 2, Nagasaka discloses a printing system, wherein said correcting information provider is connected to said terminal unit (the receiver computer 100 and the transmitter computer 200 shown in FIG. 1 are connected to each other via the Internet 600 as shown in FIG. 2) (col. 15, lines 25-27).

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7. Regarding Claim 3, Nagasaka discloses a printing system, wherein said correcting information provider is connected to said terminal unit via said Internet (the receiver computer 100 and the transmitter computer 200 shown in FIG. 1 are connected to each other via the Internet 600 as shown in FIG. 2) (col. 15, lines 25-27).

8. Regarding Claim 4, Nagasaka discloses a printing system, wherein said correcting information provider includes a printer type database for storing information regarding color characteristics for each type of said printer (transmitted user interface data) (col. 17, lines 33-42 and col. 18, lines 1-4), and said correcting information provider provides said correcting information obtained by color correction based on the contents of said printer type database (inputting print settings information based on the transmitted user interface data) (col. 18, lines 10-14).

9. Regarding Claim 6, Nagasaka discloses a printing system, wherein said correcting information provider provides said correcting information in accordance with at least color characteristics of said printer and a type of paper to be used by said printer (Fig. 5 and Fig 6) (the color image data 271 is transferred with the color-correction source data 272 and the print settings information from the transmitter computer 200 to the receiver computer 100 via the Internet 600) (col. 19, lines 49-52).

10. Regarding Claim 7, Nagasaka discloses a printing system, wherein said correcting information provider includes a user-setting information database for storing printer-setting information regarding a current color setting of said printer, a type and a size of paper to be used by said printer, and said correcting information provider provides said correcting information based on said printer-setting information (Fig. 5 and

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Fig 6) (the color correction element 118 reads the print settings information to specify a variety of print settings of the printer 180 that include the pixel density of printing, the halftone processing method, and the color correction method, and selects the color-correction destination data 172 corresponding to the print settings among the plural pieces of color-correction destination data stored in advance in the hard disk 170) (col. 19, lines 11-33).

11. Regarding Claim 10, Nagasaka discloses a printing system, wherein said correcting information provider includes a layout unit operable to make a layout of said image based on said size of paper (Fig. 5) (the user of the transmitter computer 200 here inputs details of paper settings 252, which include the paper size, the paper source, the orientation, and the print size, through the operation of the input device 240) col. 18, lines 15-32).

12. Regarding Claim 11, Nagasaka discloses a printing system, wherein said user-setting information database is operable to store information regarding brightness and sharpness of said image, and said correcting information provider provides said correcting information based on said printer-setting information and said information regarding said brightness and said sharpness of said image (Fig. 6) (the color correction element 118 reads the print settings information to specify a variety of print settings of the printer 180 that include the pixel density of printing, the halftone processing method, and the color correction method, and selects the color-correction destination data 172 corresponding to the print settings among the plural pieces of color-correction destination data stored in advance in the hard disk 170)(col. 19, lines 11-33).

13. Regarding Claim 12, Nagasaka discloses a printing system, wherein said correcting information provider includes: an image obtaining unit (I/O unit 220) operable to obtain said image from said Internet; and an information presenting unit (communications device 160) operable to present said image to said terminal unit, wherein said terminal unit obtains said image via said information presenting unit (the receiver computer 100 receives the transmitted color image data 271, color-correction source data 272, and various pieces of print settings information via the communications device 160) (col. 18, lines 56-67).

14. Regarding Claim 13, Nagasaka discloses a printing system, wherein said correction information provider includes a correction notifying unit (communications device 160) operable to notify said terminal unit the contents of correction to be performed for said image (The receiver computer 100 receives the transmitted color image data 271, color-correction source data 272, and various pieces of print settings information via the communications device 160) (col. 18, lines 56-67).

15. Regarding Claim 15, Nagasaka discloses a printing system, wherein said terminal unit (receiver computer 100) includes: an image receiving unit (input processing unit 112) operable to receive said color image; an image displaying unit (monitor 150) operable to display said color image received; and a correcting information requesting unit (print processing unit 114) operable to request said correcting information provider to provide said terminal unit with said correcting information corresponding to said color image (the print processing unit 114 further

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includes a resolution conversion element 115, a color correction element 118, a color conversion element 116, and a halftone processing element 117) (col. 13, lines 24-55).

16. Regarding Claim 16, Nagasaka discloses a printing system, wherein said terminal unit further includes: a printer-setting obtaining unit (user interface data 171) operable to obtain a current setting of said printer (the user interface data 171 is used to display a user interface for inputting print settings information corresponding to the printer 180) (col. 13, lines 24-55); and a printer-setting information transmitting unit (transmission control unit 111) operable to transmit said current setting of said printer to said correcting information provider when said terminal unit requests the transmission of said correcting information to said correcting information provider (the transmission control unit 111 of the CPU 110 reads the user interface data 171 from the hard disk 170 and transmits the user interface data 171 to the transmitter computer 200 via the communications device 160 at step S104) (col. 17, lines 33-38).

17. Regarding Claim 17, Nagasaka discloses a printing system, wherein said correcting information provider includes a storing unit (hard disk 270) operable to store said correcting information so as to allow re-use of said correcting information (color image data 271, which is the print data to be transmitted, and color-correction source data 272, which is used in the process of color correction of the print data or the color image data 271, have been stored in advance in the hard disk 270) (col. 13, lines 62-67).

18. Regarding Claim 18, Nagasaka discloses a printing system, wherein said correcting information determines whether or not said correcting information is stored in



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said storing unit, and reads said correcting information when it is determined that said correcting information is stored and transmits said read correcting information to said terminal unit (the transmission control unit 211 first reads the color image data ID (271), which is the object of transmission, from the hard disk 270, then reads the color-correction source data 272 corresponding to the display settings of the monitor 250 (that is, the profile for the monitor 250), and transmits the color image data 271 and the color-correction source data 272 together with the various pieces of input print settings information to the receiver computer 100 via the communications device 160 at step S110) (col. 18, lines 44-55).

19. Regarding Claim 19, Nagasaka discloses a printing system, further comprising: an information sending apparatus (I/O unit 220) operable to provide said color image on the Internet; and an information notifying apparatus (communications device 260) operable to provide location information indicating a location of said color image on the Internet, wherein said correcting information provider obtains said color image based on said location information and provides said correcting information corresponding said color image to said terminal unit (the user interface data provided in the receiver computer 100 is not only for the transmitter computer 200 but generally for a large number of transmitter computers connected to the Internet 600) (col. 17, lines 43-49).

20. Regarding Claim 21, Nagasaka discloses a printing system, wherein said terminal unit includes: a receiving unit operable to receive said location information (communications device 160); and a correcting information requesting unit (transmitted instruction) operable to request said correcting information provider to provide said

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terminal unit with said correcting information corresponding to said color image and to transmit said location information to said correcting information provider (in the receiver computer 100, when the communications device 160 receives the transmitted instruction for starting the transmitting process, the transmission control unit 111 of the CPU 110 reads the user interface data 171 from the hard disk 170 and transmits the user interface data 171 to the transmitter computer 200 via the communications device 160 at step S104) (col. 17, lines 33-42).

21. Regarding Claim 22, Nagasaka discloses a printing system, wherein said terminal unit further includes: a printer-setting obtaining unit operable to obtain a current setting of said printer (user interface data 171); and a printer-setting information transmitting unit operable to transmit said current setting of said printer to said correcting information provider when said terminal unit requests the transmission of said correcting information to said correcting information provider (the user interface data 171 is used to display a user interface for inputting print settings information corresponding to the printer 180, whereas the color-correction destination data 172 is used in the process of color correction of the print data or the color image data) (col. 13, lines 50-55).

22. Claim 23 is rejected for the same reason as claim 17.

23. Claim 24 is rejected for the same reason as claim 18.

24. Regarding Claim 25, Nagasaka discloses a method of supplying correcting information for a color image having a predetermined color information provided via the Internet to a printer connected to the Internet, comprising: obtaining a current setting of

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the printer (the window for paper settings as shown in FIG. 5 is displayed as the user interface for inputting the print settings information on the display screen of the monitor 250) (col. 18, lines 10-21); obtaining the color image from the Internet (this embodiment accordingly creates the user interface data by utilizing the HTML that does not depend upon any specific machine type and facilitates creation of the data) (col. 17, lines 61-64); and providing the printer with correcting information for allowing said printer to print out said predetermined color information of said color image in accordance with said current setting of the printer (although not specifically included in the details of print specification 254, a color correction method (that is, a color matching method) may also be input according to the requirement of the user) (col. 18, lines 28-31).

25. Regarding Claim 26, Nagasaka discloses a printing method, wherein said current setting of said printer includes at least color characteristics of said printer (the print processing unit 114 is actualized by a printer driver software exclusively used for the printer 180, and includes the resolution conversion element 115, the color correction element 118, the color conversion element 116, and the halftone processing element 117) (col. 18, lines 56-67).

26. Regarding Claim 27, Nagasaka discloses a printing method, wherein said current setting of said printer includes a size and a type of paper to be used by said printer (The user of the transmitter computer 200 here inputs details of paper settings 252, which include the paper size, the paper source, the orientation, and the print size, through the operation of the input device 240) (col. 18, lines 10-21), and said printer prints said color image by using said correcting information provided in accordance with said color

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characteristics of said printer and said size and type of said paper (the printer 180 prints a color image, that is, the contents of the color image data, on a sheet of printing paper, based on the input color image data at step S114) (col. 43-48)

27. Claim 28 is rejected for the same reason as claim 25.

28. Regarding Claim 29, Nagasaka discloses a printing apparatus, wherein said correcting information provider corrects said color image in accordance with at least color characteristics of said printer, so that said correction information is calculated as corrected image (The receiver computer 100 receives the transmitted color image data 271, color-correction source data 272, and various pieces of print settings information via the communications device 160. The transmission control unit 111 then transfers the input color image data 271, color-correction source data 272, and various pieces of print settings information to the print processing unit 114. The print processing unit 114 is actualized by a printer driver software exclusively used for the printer 180, and includes the resolution conversion element 115, the color correction element 118, the color conversion element 116, and the halftone processing element 117 as mentioned previously) (col. 18, lines 56-67).

### ***Claim Rejections - 35 USC § 103***

29. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

30. Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagasaka in view of Kuwata et al. (6,404,509).

31. Regarding Claim 5, Nagasaka teaches a printing system, wherein color correction is performed in accordance with said color characteristics of said printer.

Nagasaka fails to teach a printing system wherein said information regarding said color characteristics is a color table to be used for said color correction in accordance with said color characteristics of said printer.

Kuwata et al teach a printing system wherein said information regarding said color characteristics is a color table to be used for said color correction in accordance with said color characteristics of said printer (The color correction at step S130 is substantially performed by such operation of the printer driver as forming a color correction look-up table upon its activation as well as incorporating the color correction look-up table into a color conversion look-up table) (col. 19, lines 23-27).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Nagasaka with the teaching of Kuwata to use a color conversion look-up table for color calibration of the printer since look-up tables are often used for color calibration of printers.

32. Regarding Claim 14, Nagasaka fails to teach a printing system, wherein said correction notifying unit determines whether or not said color characteristics of said printer are in normal regions, and notifies said terminal unit that said color characteristics are abnormal when said color characteristics of said printer are out of said normal regions.

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Kuwata et al teach a printing system, wherein said correction notifying unit determines whether or not said color characteristics of said printer are in normal regions, and notifies said terminal unit that said color characteristics are abnormal when said color characteristics of said printer are out of said normal regions (reading of the uneven data is performed by executing a bidirectional communication) (col. 19, lines 33-43).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Nagasaka with the teaching of Kuwata to use bidirectional communication between the correction notifying unit and the terminal unit to notify the terminal unit that the printer is out of calibration.

33. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nagasaka in view of Gu (US 5,874,988).

34. Regarding Claim 30, Nagasaka fails to teach a printing apparatus, wherein said predetermined color is the original color of an item shown on an advertisement provided via the Internet.

35. Gu teaches a system for color correction for use in advertisements, which can be implemented in a communications network such as the Internet (col. 10, lines 57-67, col. 11, lines 1-26)

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***Allowable Subject Matter***

36. Claims 8, 9, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

37. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satwant K. Singh whose telephone number is (571)

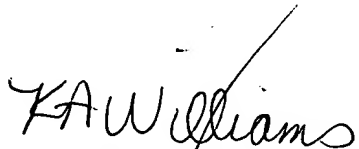
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272-7468. The examiner can normally be reached on Monday thru Friday 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on (571) 272-7471. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Satwant K. Singh  
Examiner  
Art Unit 2626

  
**KIMBERLY WILLIAMS**  
**SUPERVISORY PATENT EXAMINER**

sks